

# HOUSE BILL No. 1827

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-3-23.

**Synopsis:** East Chicago school board elections. Provides for the submission of a local public question to the voters of East Chicago concerning whether the governing body of the East Chicago public schools should be changed. Provides that if the voters approve the public question, the governing body will consist of six members elected by all the voters of the city and three members appointed by the mayor. Provides that the elected members must reside in one of six districts that are the same as the city council districts. Provides other details of the organization of the governing body.

**Effective:** July 1, 2001.

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**Aguilera**

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January 17, 2001, read first time and referred to Committee on Education.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1827

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-3-23 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]:

4 **Chapter 23. Election of School Board Members in East Chicago**

5 **Sec. 1. This chapter applies to a school corporation located in a**  
6 **city that satisfies all of the following:**

7 (1) The city:

8 (A) has a population of more than thirty-three thousand  
9 eight hundred fifty (33,850) but less than thirty-three  
10 thousand nine hundred (33,900); and

11 (B) is located in a county having a population of more than  
12 four hundred thousand (400,000) but less than seven  
13 hundred thousand (700,000).

14 (2) The voters of the city have adopted this chapter through  
15 a public question submitted to the voters of the city.

16 **Sec. 2. IC 20-4-10.1 does not apply to a school corporation or the**  
17 **governing body of a school corporation covered by this chapter.**



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1       **Sec. 3. (a) The governing body of the school corporation consists**  
 2 **of nine (9) members chosen as follows:**

3       **(1) Six (6) of the members shall be elected from the school**  
 4 **districts established under section 4 of this chapter in which**  
 5 **the members reside.**

6       **(2) Three (3) of the members shall be appointed by the mayor**  
 7 **of the city. The members appointed under this subdivision**  
 8 **must have resided within the school corporation boundaries**  
 9 **the previous two (2) years. At least one (1) of the members**  
 10 **appointed under this subdivision must have knowledge of or**  
 11 **experience with issues related to school business, school**  
 12 **finance, and school administration.**

13       **(b) The six (6) members elected under subsection (a)(1) shall be**  
 14 **elected as follows:**

15       **(1) On a nonpartisan basis.**

16       **(2) In a primary election held in the county.**

17       **(3) At-large by the registered voters of the entire school**  
 18 **corporation.**

19       **(c) Upon assuming office and in conducting the business of the**  
 20 **governing body, a member shall represent the interests of the**  
 21 **entire school corporation.**

22       **Sec. 4. The districts from which members are elected shall be**  
 23 **drawn on the same lines as the common council districts set forth**  
 24 **in IC 36-4-6.**

25       **Sec. 5. The six (6) members to be elected for a position on the**  
 26 **governing body described under section 3(a)(1) of this chapter shall**  
 27 **be elected as follows:**

28       **(1) Each candidate must file a petition of nomination with the**  
 29 **circuit court clerk at least seventy-four (74) days before the**  
 30 **election at which the members are to be elected. The petition**  
 31 **of nomination must include the following information:**

32       **(A) The name of the candidate.**

33       **(B) The district in which the candidate resides.**

34       **(C) The signatures of at least one hundred (100) registered**  
 35 **voters residing within the school corporation.**

36       **(D) The fact that the candidate is running for a district**  
 37 **position.**

38       **(E) A certification that the candidate meets the**  
 39 **qualifications for candidacy imposed by this chapter.**

40       **(2) Only eligible voters residing in the school corporation may**  
 41 **vote for a candidate.**

42       **(3) The candidate who resides within each particular district**

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who receives the greatest number of votes within the school corporation is elected.

**Sec. 6.** The Indiana state board of education, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.

**Sec. 7. (a)** The term of each person elected to serve on the governing body is four (4) years, beginning July 1 following the election.

**(b)** An individual appointed by the mayor under section 3(a)(2) of this chapter serves at the pleasure of the mayor.

**Sec. 8.** The members shall be elected as follows:

**(1)** Three (3) of the members elected under section 3(a)(1) of this chapter shall be elected at the primary election to be held in 2004 and every four (4) years thereafter.

**(2)** Three (3) of the members elected under section 3(a)(1) of this chapter shall be elected at the primary election to be held in 2006 and every four (4) years thereafter.

**Sec. 9. (a)** A vacancy in the office of a member elected under section 3(a)(1) of this chapter shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this subsection serves until the expiration of the term of the member whose position the individual fills.

**(b)** A vacancy in the office of a member appointed by the mayor under section 3(a)(2) of this chapter shall be filled by the mayor.

**Sec. 10.** Before August 1 of each year, the school corporation shall file with the state superintendent of public instruction a list of the:

**(1)** names and addresses of members of the school corporation's governing body;

**(2)** names and addresses of the school corporation's officers; and

**(3)** expiration dates of the terms of the school corporation's members and officers.

The school corporation shall file any changes in the list within thirty (30) days after the changes occur.

**SECTION 2. [EFFECTIVE JULY 1, 2001] (a)** This SECTION applies to a city that:

**(1)** has a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900); and



(2) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The county election board of the county in which the city is located shall place a local public question on the ballot at the primary election held in the county on May 7, 2002, asking voters of the city the following public question:

"Shall the governing body of the \_\_\_\_\_  
(insert the name of the city) School Corporation consist of six  
(6) members elected by the voters of the city and three (3)  
members appointed by the mayor?"

(c) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results to each of the following:

- (1) The state superintendent of public instruction.
- (2) The mayor of the city.
- (3) The governing body of the school corporation.

(d) Subject to this SECTION, IC 3-10-9 applies to the public question required by this SECTION.

(e) If the voters of the city approve the public question placed on the ballot, the following apply:

- (1) IC 20-3-23, as added by this act, applies to the school corporation and the governing body of the school corporation beginning July 1, 2003.
- (2) Notwithstanding any other law, the terms of the members of the governing body of the school corporation who hold office on June 30, 2003, expire July 1, 2003.
- (3) On July 1, 2003, all powers, duties, and functions adhering to the governing body of the school corporation in existence on June 30, 2003, are transferred to the governing body established by IC 20-3-23, as added by this act.
- (4) On July 1, 2003, the property and records of the governing body of the school corporation in existence on June 30, 2003, are transferred to the governing body established by IC 20-3-23, as added by this act.
- (5) Notwithstanding IC 20-3-23-8, as added by this act, the six  
(6) members of the governing body described in IC 20-3-23-3(a)(1), as added by this act, shall be elected at the municipal primary election to be held on May 6, 2003. IC 3 and IC 20-3-23, as added by this act, except if in conflict with this SECTION, apply to the election held under this subdivision.

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1 (6) Notwithstanding IC 20-3-23-7, as added by this act, the  
2 terms of office of the members elected under subdivision (5)  
3 expire as follows:

4 (A) The terms of office of the three (3) members who  
5 receive the three (3) highest numbers of votes in the  
6 election expire July 1, 2006.

7 (B) The terms of office of the three (3) members elected  
8 under subdivision (5) not described in clause (A) expire  
9 July 1, 2004.

10 (7) The successors of the members described in subdivision (6)  
11 shall be elected as follows:

12 (A) The successors of the members described in  
13 subdivision (6)(A) shall each be elected for a four (4) year  
14 term at the primary election held May 2, 2006, as provided  
15 in IC 20-3-23-7 and IC 20-3-23-8, both as added by this act.

16 (B) The successors of the members described in subdivision  
17 (6)(B) shall each be elected for a four (4) year term at the  
18 primary election held May 4, 2004, as provided in  
19 IC 20-3-23-7 and IC 20-3-23-8, both as added by this act.

20 (f) This SECTION expires July 1, 2006.

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